



IN THE MATTER OF:
ALFONSO HERNANDEZ v. DANIEL BACA, ET AL.

ALFONSO HERNANDEZ

February 20, 2013

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1 A. The 4th Street Mall.
 2 Q. You consider that to be a park?
 3 A. Yes.
 4 Q. Why is that?
 5 A. There's trees, there's benches, there were
 6 flowers.
 7 Q. Is there grass anywhere?
 8 A. No.
 9 Q. Are there also private businesses there?
 10 A. Yes, surrounding it.
 11 Q. So we were talking about Officers Kelly
 12 and Jara, they had returned to the 4th Street Mall
 13 area after you said that they pedaled off; is that
 14 correct?
 15 A. I said that they pedaled southbound.
 16 Q. I'm sorry, okay. And then did you see
 17 them again?
 18 A. Yes.
 19 Q. Where were you when you saw them again?
 20 A. I was going around the same area, which I
 21 called a park, all over picking up trash.
 22 Q. So you were picking up trash, and you saw
 23 them. What were they doing?
 24 A. They were interfering with food
 25 distribution.

1 Q. Was Mr. Herrick serving the food at that
 2 moment?
 3 A. Yes, he was, with his children and his
 4 wife.
 5 Q. So he was serving when they first came up
 6 to him?
 7 A. Yes.
 8 Q. Did they ask him any questions that you
 9 could hear? "They" being Jara and Kelly.
 10 A. Let's see. Yeah, they were asking him
 11 questions. Yeah, they were asking him questions.
 12 Q. Do you recall what they were asking him?
 13 A. If he had a permit, for his name.
 14 Q. Because you had described that they were
 15 interrogating him, so do you recall any other
 16 questions they were asking him besides for the
 17 permit and the name?
 18 A. Well, they kept on repeating it.
 19 Q. Repeating what?
 20 A. His name or -- or if he had a permit.
 21 Q. So they kept asking the same question
 22 over?
 23 A. Well, several times, as I recall.
 24 Q. Like for his name and for the permit?
 25 A. Yes. There was one time I remember --

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1 Q. In what way?
 2 A. They were harassing, questioning,
 3 interrogating my friend Mike Herrick and his wife
 4 and his two -- two of his children.
 5 Q. What were they doing specifically to
 6 harass him?
 7 A. For one, they would not allow him to serve
 8 food. They interrupted the whole process. They
 9 were asking him questions, I imagine.
 10 Q. Did they physically restrain him from
 11 serving any food?
 12 A. Eventually, yes.
 13 Q. When you say "eventually, yes," what do
 14 you mean?
 15 A. Well, after they put him in the handcuffs.
 16 Q. But did they have discussions with him, or
 17 were they -- when you say that they were interfering
 18 with the process, did they block his way? Did they
 19 physically do anything to him to prohibit him
 20 from --
 21 A. Yes.
 22 Q. -- distributing the food? Like what?
 23 What did they do?
 24 A. Just their presence and not allowing
 25 anybody to come and serve food.

1 well, there was a point where somebody, a homeless
 2 man, since they have blocked their right of way, but
 3 a homeless man still went in front of the police and
 4 asked for some eggs, which Michael handed to him,
 5 and Officer Jara blurted out to the people to -- to
 6 give them some time to talk to them.
 7 Q. She did what? I'm sorry.
 8 A. She told the homeless people to stay back.
 9 Q. Oh, I see.
 10 A. And give them time to talk to him.
 11 Q. Okay. And did they comply, as far as what
 12 you could see?
 13 A. The homeless folks?
 14 Q. Yeah.
 15 A. Yes.
 16 Q. Did they give you any directives at that
 17 point?
 18 A. No.
 19 Q. At any time while they were speaking with
 20 Mr. Herrick and his wife, did they say anything to
 21 you during that process?
 22 A. No.
 23 Q. What were you doing when they were talking
 24 to Mr. Herrick and his wife?
 25 A. I was picking up trash.